

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference KIRU-0081	FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/US05/28865	International filing date (<i>day/month/year</i>) 12 August 2005 (12.08.2005)	Priority date (<i>day/month/year</i>) 14 August 2004 (14.08.2004)																								
International Patent Classification (IPC) or national classification and IPC IPC: H04W 4/00 (2009.01) USPC: 455/466																										
Applicant KIRUSA, INC.																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>5</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																										
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 24 July 2006 (24.07.2006)	Date of completion of this report 12 March 2009 (12.03.2009)																									
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Lester Kincaid Telephone No. (571) 272-2600																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US05/28865

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-12 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* 13-15/2 received by this Authority on 24 July 2006 (24.07.2006)
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages 1/5-5/5 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 4, 5, 6, 10, and 12
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

5. ☐ This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

** If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US05/28865**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>1-3, 7-9, 11, and 13-21</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-3, 7-9, 11, and 13-21</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-3, 7-9, 11, and 13-21</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-3, 7-9, 11, and 13-21 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest explicitly recite that a user is in possession of a user mobile device and a recipient is in possession of a recipient mobile device. The user creates a voice message using his or her mobile device and a voice link is added to the SMS message which when activated by the recipient, plays the voice message. Whereas, in the case of Forstadius et al., the voice message or "value added data" is not created by the mobile devices, it is however created by a "sending terminal 100". In the case of Forstadius et al., this sending terminal 100 is in addition to the user device. Referring to paragraph 35 of Forstadius et al., it is inferred that Forstadius et al. would require a user device to make regular voice calls or conference calls. Hence, the applicant's method and system are not equivalent to the method and system of Forstadius et al., and hence claim 1 and 18 are novel under PCT Article 33(2). Also refer to paragraph 21 of Forstadius et al., "a sending terminal 100, transmits content, such as images, applications or other value added data, selected by a ...". Claim 21 includes the method and system of automatically adding a voice link to a text message. This method and system of automatically adding a voice link is not anticipated by Forstadius et al, Mendiola et al., Bhatia et al., Quak et al. or Tagg et al. Claim 21 includes a unique message identifier that is comprised of a user identifier combined with a network identifier and is assigned by a network pool. This system of the message identifier is not anticipated by the prior art quoted by the examiner. The step of adding a voice link to an intercepted SMS message is not anticipated by Mendiola et al. Hence, claim 13, dependent on claim 1 wherein a voice link is added to an intercepted SMS message, are novel over Mendiola et al. under PCT Article 33(3). Claims 1, 18, and 21 expressly cite a link to the SMS message. When activated, this link plays the voice message. The use of a link to retrieve voice messages is not found in Bhatia et al. Hence, claims are novel over Bhatia et al. under PCT Article 33(3). Quak et al. and Tagg et al. do not expressly state the use of SMS with voice links. Hence, the invention that includes of SMS with voice links is novel over Quak et al. and Tagg et al. under PCT 33(2).

Claims 1-3, 7-9, 11, and 13-21 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**AMENDMENT UNDER ARTICLE 19
(REPLACEMENT SHEETS)**

1. A method of communicating a message from a user in possession of a user mobile device to a recipient in possession of a recipient mobile device, in a multimodal SMS communication, in a system comprising user mobile devices and recipient mobile devices and a plurality of multimodal platforms, the method comprising:

creating a voice message at the user mobile device;

receiving the voice message at said multimodal platform(s);

generating an SMS message containing a link, which when activated allows a recipient to retrieve the voice message;

assigning a unique message identifier to said SMS message, wherein said unique message identifier is comprised of a user identifier combined with a network identifier and is assigned from a network pool;

adding the message identifier to the SMS message;

storing the message identifier with the SMS message; and

transmitting the SMS message to the recipient mobile device via a connection that comprises a wireless network;

wherein the SMS message contains text and a link to the voice message.

2. The method of claim 1, further comprising: accessing the SMS message by activating the link.

3. The method of claim 1, further comprising: the recipient providing an outgoing SMS message in reply to the SMS message by accessing the link.

4. (Canceled)

5. (Canceled)

6. (Canceled)

7. The method of claim 1, wherein the message contains audio and wherein the step of creating the message comprises: calling an assigned network number; and speaking the desired message.

8. The method of claim 1, wherein the step of transmitting the SMS message comprises: sending the SMS message to a virtual service identifier number, wherein the SMS message is directed to a multimodal platform.

9. The method of claim 8, wherein the multimodal platform associates the virtual service identifier number with the recipient.

10. (Canceled)

11. The method of claim 1, wherein the SMS message is converted into a multimodal SMS message.

12. (Canceled)

13. The method of claim 1, wherein a sender of the SMS message is a subscriber to a network carrier responsible for sending and delivering the message.

14. The method of claim 1, further comprising: converting the SMS message to a multimedia message, comprising dividing the text message into multimedia components.

15. The method of claim 1, further comprising: adding a multimodal SMS link to a non-text portion of the message, if the outgoing message is directed to an instant message platform.

16. The method of claim 2, wherein the SMS message is a message from a voice message system.

17. The method of claim 1, further comprising: retrieving the SMS message by one of (i) activating the link and (ii) calling an access number, wherein the retrieval of the SMS message may result in a predetermined charge to the recipient.

18. A computer-readable medium having computer-executable instructions to perform a method of communicating between a user in possession of a user mobile device and a recipient in possession of a recipient mobile device, in a multimodal SMS communication, in a system comprising user mobile devices, recipient mobile devices and a plurality of multimodal platforms, the method comprising:

creating a voice message at the user mobile device;

receiving said voice message at said multimodal platform(s);

generating an SMS message containing a link, which when activated allows a recipient to retrieve the voice message;

assigning a unique message identifier to said SMS message, wherein said unique message identifier is comprised of a user identifier combined with a network identifier and is assigned from a network pool;

adding the message identifier to the SMS message;

storing the message identifier with the SMS message; and

transmitting the SMS message to the recipient mobile device via a connection that comprises a wireless network;

wherein the SMS message contains text and a link to the voice message.

19. The computer-readable medium of claim 18, wherein the method further comprises: accessing the SMS message by activating the link.

20. The computer-readable medium of claim 18, wherein the unique message identifier is comprised of a user identifier combined with a network identifier and is assigned from a network pool.

21. A method of adding multimodality to a SMS text message that is transmitted from a user in possession of a user mobile device to a recipient in possession of a recipient mobile device, comprising the steps of:

creating said SMS text message at the user mobile device and transmitting the SMS text message to said recipient mobile device;

intercepting said transmitted SMS text message by an SMS center if the recipient is part of a defined subset of recipients;

generating a multimodal SMS message containing a voice link added to the SMS text message, wherein the activation of the voice link allows a recipient to create or retrieve a voice message;

assigning a unique message identifier to the multimodal SMS message with voice link, wherein said unique message identifier is comprised of a user identifier combined with a network identifier and is assigned from a network pool;

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adding the unique message identifier to the multimodal SMS message with voice link;

storing the unique message identifier with said multimodal SMS message with voice link; and

transmitting the multimodal SMS message with voice link to the recipient mobile device via a connection that comprises a wireless network.

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AMENDED SHEET